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Counsel for Defendant RAMIREZ-GARCIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	No. CR 08-0172 DLJ
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	CONTINUING FILING AND
)	HEARING DATE ON MOTION TO
)	DISMISS; EXCLUSION OF TIME
MARCOS RAMIREZ-GARCIA,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED, by and between the parties to this action, that the hearing date for defendant's motion to dismiss, currently scheduled for Friday, November **21**, 2008 at 11:00 a.m. is hereby continued to Friday, December 19, 2008 at 11:00 a.m. It is further stipulated that the filing dates are hereby vacated and continued as follows: defendant's motion to dismiss shall be filed no later than Friday, November 21, 2008; the government's opposition shall be filed no later than Friday, December 5, 2008 and defendant's reply shall be filed no later than Friday, December 12, 2008. The reason for the request is that defense counsel has not yet received the declaration from the immigration expert in support of the motion to dismiss. In addition, defense counsel will be out

1 of town for the next few days and would like to file the motion once the supporting declaration is
 2 received. The parties stipulate that the time from November **21**, 2008 to December 19, 2008, should
 3 be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A)
 4 and (B)(iv) for adequate preparation of counsel.

5 DATED: October 22, 2008

/s/

7 JOYCE LEAVITT

Assistant Federal Public Defender

9 DATED: October 22, 2008

/s/

11 JAMES MANN

Assistant United States Attorney

12 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
 13 conformed signature “/s/” within this e-filed document.

14 **ORDER**

15 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date for
 16 defendant’s motion to dismiss, currently scheduled for Friday, November **21**, 2008 at 11:00 a.m. is
 17 hereby continued to Friday, December 19, 2008 at 11:00 a.m.

18 IT IS FURTHER ORDERED that the filing dates are hereby vacated and continued as follows:
 19 defendant’s motion to dismiss shall be filed no later than Friday, November 21, 2008; the
 20 government’s opposition shall be filed no later than Friday, December 5, 2008 and defendant’s reply
 21 shall be filed no later than Friday, December 12, 2008.

22 IT IS FURTHER ORDERED that the time from November **21**, 2008 to December 19, 2008,
 23 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
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1 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of
2 justice served by the granting of the continuance outweigh the best interests of the public and the
3 defendant in a speedy and public trial and the failure to grant the requested continuance would
4 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into
5 account due diligence.
6

7 SO ORDERED.

8 DATED: November 3, 2008


HONORABLE D. LOWELL JENSEN
United States District Judge